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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

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In Re:

**CEDRIC D. MCMILLIAN, SR.,**  
**SSN: ###-##-1980**

*Debtor.*

21-02482-DSC13

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**ORDER GRANTING DEBTOR'S MOTION TO ALTER, AMEND OR**  
**VACATE ORDER OF DISMISSAL**

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This matter comes before the Court on Debtor's Motion to Alter, Amend or Vacate Order of Dismissal (the "Motion"). (Doc. 33.) Creditor Debra Davis Kelley has filed an objection to the Motion. (Doc. 37.) The Motion came before the Court for hearing on March 22, 2022, where Debtor, Creditor, and Trustee were heard on this matter.

In consideration for withdrawing Creditor's Objection to Reinstatement (doc. 37), the Debtor has agreed to disinter, at his expense, Gaynell Spencer Perry's body from George Washington Carver Memorial Gardens to be relocated to another cemetery. Debtor is directed to locate, exhume, disinter, and identify, to Kelley's satisfaction, Perry's vault, casket, and body, and deliver the casket, body, and, if feasible, the vault via a vault company identified by Kelley to a cemetery identified by Kelley. Debtor will perform this disinterment respectfully and in a professionally reasonable manner, according to industry best practices. The expense of the disinterment of Perry's body shall be credited towards the judgment against George Washington Carver Memorial Gardens, and in the event a judgment is rendered against McMillian in case number SM-2018-000012, a credit will also be given to Mr. McMillian.

The Court notes that oral objections have been raised from the Trustee regarding the potential confirmation of the Debtor's Chapter 13 plan, but those issues are not ripe at this time and the Trustee's and the Creditor's objections to the confirmation of the plan are noted and preserved. The Trustee and Kelley shall be permitted to raise any objections to the bankruptcy plan as otherwise allowed.

WHEREFORE, the Motion to Alter, Amend, or Vacate Order of Dismissal (doc. 33) is GRANTED and the Debtor's case, 21-02482-DSC13, is hereby reinstated. The Objection to Motion to Alter or Amend (titled Response in Opposition) (doc. 37) is WITHDRAWN pursuant to the conditions set forth herein.

SIGNED and ORDERED this 15th day of April, 2022.

/s/ D. Sims Crawford  
D. SIMS CRAWFORD  
United States Bankruptcy Judge

Consented to by:

/s/ C. Taylor Crockett  
C. Taylor Crockett  
Attorney for Debtor  
2067 Columbiana Road  
Birmingham, AL 35216

/s/ Joseph E. "Tripp" Watson, III  
Joseph E. "Tripp" Watson, III  
Attorney for Creditor Debra D. Kelley  
The Watson Firm  
2007 3rd Avenue North  
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